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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-617*

12 **KARLYN MARY WARREN**
13 **a.k.a. KARLYN MARY GOODRICH**
1053 Coleman Road, Unit 1101
San Jose, CA 95123

A C C U S A T I O N

14 Registered Nurse License No. 679582

15
16 Respondent.

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18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about May 19, 2006, the Board issued Registered Nurse License Number
23 679582 to Karlyn Mary Warren, also known as Karlyn Mary Goodrich, ("Respondent"). The
24 license was in full force and effect at all times relevant to the charges brought herein. The license
25 expired on November 30, 2013, and has not been renewed.

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1 procurement of any controlled substance or dangerous drug for self-administration
2 that does not involve actual, direct harm to the public, the board shall close the
3 investigation without further action if the registered nurse is accepted into the board's
4 diversion program and successfully completes the requirements of the program. If
the registered nurse withdraws or is terminated from the program by a diversion
evaluation committee, and the termination is approved by the program manager, the
investigation shall be reopened and disciplinary action imposed, if warranted, as
determined by the board.

5 (d) Neither acceptance nor participation in the diversion program shall preclude
6 the board from investigating or continuing to investigate, or taking disciplinary action
7 or continuing to take disciplinary action against, any registered nurse for any
unprofessional conduct committed before, during, or after participation in the
diversion program.

8 (f) Any registered nurse terminated from the diversion program for failure to
9 comply with program requirements is subject to disciplinary action by the board for
acts committed before, during, and after participation in the diversion program. A
10 registered nurse who has been under investigation by the board and has been
terminated from the diversion program by a diversion evaluation committee shall be
11 reported by the diversion evaluation committee to the board.

12 8. Code section 2770.11 states:

13 (a) Each registered nurse who requests participation in a diversion program
14 shall agree to cooperate with the rehabilitation program designed by a committee.
Any failure to comply with the provisions of a rehabilitation program may result in
15 termination of the registered nurse's participation in a program. The name and license
number of a registered nurse who is terminated for any reason, other than successful
16 completion, shall be reported to the board's enforcement program.

17 (b) If a committee determines that a registered nurse, who is denied admission
into the program or terminated from the program, presents a threat to the public or his
18 or her own health and safety, the committee shall report the name and license number,
along with a copy of all diversion records for that registered nurse, to the board's
19 enforcement program. The board may use any of the records it receives under this
subdivision in any disciplinary proceeding.

20 **COST RECOVERY**

21 9. Code section 125.3 provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licensee found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

25 **RESPONDENT'S TERMINATION** 26 **FROM BOARD'S DIVERSION PROGRAM**

27 10. Between June 27, 2011, and September 18, 2011, Respondent participated in the
28 Board's Diversion Program. During that time, Respondent failed to check in and missed calls

1 with Maximus on numerous occasions, failed to submit to tests, and refused to follow program
2 requirements including participating in meetings. Respondent admitted to relapsing on alcohol on
3 July 29, 2011, and drinking heavily thereafter. On or about September 8, 2011, Respondent
4 entered a 28 day residential treatment program which she completed on September 18, 2011.
5 Respondent refused to re-enter a residential treatment program as requested. On or about
6 September 19, 2011, Respondent was terminated from the Diversion Program as a public safety
7 risk. The underlying circumstances are Respondent was unwilling to comply with the DEC
8 Chair's request for further treatment, missing Nurse Support Group, not contacting Maximus
9 when she left residential treatment, and having a suspended First Lab account which prevented
10 any means of testing to ascertain Respondent's sobriety, and placing the public's welfare at risk.

11 FIRST CAUSE FOR DISCIPLINE

12 (Conviction of a Crime)

13 11. Respondent is subject to discipline under Code section 2761(f), in that on or about
14 September 9, 2011, in the case of *People v. Karlyn Mary Warren*, (Super. Ct. El Dorado County,
15 Case No. P11CRM0729), Respondent was convicted by the Court on her plea of nolo contendere
16 of violating Vehicle Code section 23152, subdivision (b) [driving with a blood alcohol level of
17 .08% or higher], a misdemeanor, with a special allegation of Vehicle Code section 23578
18 [excessive blood alcohol level, greater than .20%]. The crime is substantially related to the
19 qualifications, functions or duties of a licensed registered nurse.

20 a. The underlying circumstances of the crime are: On or about June 5, 2011, a
21 motorist observed Respondent's vehicle partially obstructing a public roadway and, further,
22 observed Respondent's head resting, asleep, on the driver's door of the vehicle. The motorist
23 woke Respondent and called 911. Upon responding to the scene, the law enforcement officer
24 observed Respondent to have the strong odor of an alcoholic beverage emanating from her person
25 and the vehicle. He also observed Respondent had blood-shot, watery eyes and slurred speech.
26 Respondent admitted to the officer that she had consumed too much alcohol before operating her
27 vehicle. The officer observed Respondent was unable to maintain her balance and fell into the
28 side of her vehicle, face first. A California Highway Patrol Officer responded to the scene,

1 evaluated Respondent, and placed her under arrest for driving under the influence of alcohol.
2 Respondent admitted to having a blood alcohol level over .20 percent.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol)**

5 12. Respondent is subject to discipline under Code sections 2761, subdivision (a), on the
6 grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), as follows:

7 a. On or about June 5, 2011, Respondent, admittedly, reported to work while
8 under the influence of alcohol. She refused to provide a urine sample to her employer and left her
9 employment, prior to starting her shift, and drove herself in her vehicle from her employment.

10 b. On or about June 5, 2011, Respondent used an alcoholic beverage to an extent
11 or in a manner dangerous or injurious to herself and the public when she reported to work while
12 impaired, as set forth in paragraph 12.a, above, and operated a vehicle while under the influence
13 of alcohol, as set forth above in paragraph 11.a, above.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Conviction Involving the Consumption of Alcohol)**

16 13. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
17 grounds of unprofessional conduct as defined in Code section 2762, subdivision (c), in that on or
18 about September 9, 2011, Respondent was convicted of a crime involving the consumption of
19 alcohol, as more particularly set forth above in paragraph 11, above.

20 **AGGRAVATING CIRCUMSTANCES**

21 14. Respondent disclosed in her 2006 application for a Registered Nurse License that she
22 had three prior convictions as follows: (a) 1994, for trespassing with underlying circumstances
23 involving alcohol when she was a minor in violation of Florida statute 810.09(2A), a
24 misdemeanor; (b) 1996, for driving under the influence of alcohol without property damage in
25 violation of Florida statute 316.193(2A) 2, a misdemeanor; and, (c) 1998, for driving under the
26 influence of alcohol in violation of California Vehicle Code section 23152(a), a misdemeanor.

27 On or about July 15, 2011, during her Diversion interview, Respondent admitted her 1996
28 and 1998 convictions for driving under the influence with blood alcohol levels of .16 percent and


1 .23 percent, respectively. Respondent also admitted that she had a history of binge drinking and
2 had been drinking heavily on a daily basis for the past year. Respondent admitted during the
3 interview that on or about June 11, 2011, after she had completed three days of detoxification, she
4 had relapsed and had "slit my wrists so I could get to inpatient treatment." She was hospitalized
5 at a local hospital and discharged after four days at a treatment program.

6 **PRAYER**

7 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number 679582, issued to Karlyn
10 Mary Warren, also known as Karlyn Mary Goodrich,;
- 11 2. Ordering Karlyn Mary Warren, also known as Karlyn Mary Goodrich, to pay the
12 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
13 case, pursuant to Business and Professions Code section 125.3; and,
- 14 3. Taking such other and further action as deemed necessary and proper.
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17 DATED: FEBRUARY 13, 2013

18 
19 LOUISE R. BAILEY, M.ED., RN
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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